

**REGULAR MEETING OF CITY COUNCIL
JULY 7, 2015 - 6:30 P.M.**

PRESENT:	Robert Vinyard	Mayor
	Marvin Dickson	Mayor Pro-Tem
	Odis McClellan	Council Member
	Karen Felker	Council Member
	Charles Gillingham	Council Member

STAFF:	Eddie Edwards	City Manager
	Stella E. Sauls	City Secretary
	Scott Radach	Director, Finance
	Kenneth Petr	Director, Planning and Zoning
	Bruce Roberts	Chief, Police Department
	Rhonda Miller	IT Specialist

VISITORS:	Rob Vinyard	Lisa Vinyard
	Marty Vinyard	Tony M. Lowe
	Ryan Purcell	Ryan Purcell
	David Brink	Mary Jan Brink
	Danny Lane Davis	Tracy Poole
	Natalie Watkin	Taryn Richburg
	Braelei Richburg	Josh Brown
	Holli Brown	Sharon Prock
	Linda Nicholas	Betsy Parks
	Rodney Parks	Jason Owens
	Bri Owens	Jodi McClellan
	Brad Carpenter	Jim Wallace
	Jean Wallace	Tracy Young
	Hayli Young	Joseph Minton
	Paul Anthon	Becky Anthon
	Jeff Maxwell	Garry Hannon
	Lydia Rinehart	Mary Kay Phelan

NEWS MEDIA: Alex Mann
Nancy Young

QUESTIONS AND COMMENTS FROM CITIZENS: Citizens who have indicated their desire to speak to the City Council will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter is on the agenda, City Council members are prevented from acting on the subject and may respond only with statements of factual information or existing

city policy; however, City Council members may request city staff to place the subject matter on a future agenda. Citizens are limited to three (3) minutes for their presentation to the City Council.

Mr. Tony Lowe addressed the Council about flooding due to poor drainage at his property located at 512 W. Seventh St.

MINUTES APPROVED: Following review of the minutes of the regular meeting and work session of June 16, 2015, the special meeting of June 22, 2015 and June 30, 2015, motion was made by Council Member Dickson, seconded by Council Member Gillingham, to approve the minutes for the regular meeting and work session of June 16, 2015, the special meeting of June 22, 2015 and June 30, 2015 as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

PAYMENT OF EXPENDITURES APPROVED: The expenditures for the last half of June 2015 were submitted for the consideration of the Council. Following discussion, motion was made by Council Member Gillingham, seconded by Council Members Dickson, to approve payment of the expenditures of the last half of June 2015 as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ORDINANCE O-001-15 AMENDING THE FY 2014-2015 OPERATING BUDGET APPROVED: City Manager Eddie Edwards explained that this Ordinance is to amend the FY 2014-2015 Operating Budget. Following discussion, motion was made by Council Member Felker, seconded by Council Member Dickson, to approve Ordinance O-001-15 amending the FY 2014-2015 Operating Budget on final reading. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

The caption of Ordinance O-001-15 reads as follows:

ORDINANCE O-001-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS, AMENDING THE CITY'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015 AS ADOPTED BY ORDINANCE O-006-14; PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS AND TRANSFER OF CERTAIN FUNDS; PROVIDING THAT PRIOR PARTS OF ORDINANCE O-006-14 INCONSISTENT WITH OR IN CONFLICT WITH ANY OF THE PROVISIONS OF THIS ORDINANCE ARE HEREBY EXPRESSLY REPEALED TO THE EXTENT OF ANY SUCH INCONSISTENCY OR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

ARCHITECTURAL LETTER OF AGREEMENT BETWEEN PARKHILL, SMITH AND COOPER AND THE CITY OF BORGER APPROVED:

City Manager Eddie Edwards explained that this was to get professional services in preparing a master plan for a new softball complex and repairs to the existing baseball fields.

There were comments from citizens who felt this agreement was a waste of taxpayers' money and felt that the complex would not serve the greater population of Borger. There were also comments from citizens who were in favor of the sports complex and stated that it was needed and it would bring tax dollars into our community.

Following discussion, motion was made by Council Member Felker, seconded by Council Member Gillingham, to approve the Sports Complex Master Planning Architectural Letter of Agreement between Parkhill, Smith and Cooper and the City of Borger. The motion carried by the following vote:

Ayes: Council Members Vinyard, Felker, Dickson, and Gillingham voted aye.

Nays: None.

Abstained: Council Member McClellan.

SALE OF "STRUCK-OFF" PROPERTY APPROVED: City Manager Eddie Edwards presented a recommendation from the Hutchinson County Tax Assessor Collector for "struck-off" property to the Council. Following discussion, motion was made by Council Member Dickson, seconded by Council Member Gillingham on the following properties:

- a. To accept a bid of \$250.17 from Jim Brown for the property located at 708 California St. (Lot 13, Block 3, East Side).
- b. To accept a bid of \$500.00 from Mark & Debbie Guenthner for the property located at 119 Turner (Lot 28, Block 17, North Hills).
- c. To accept a bid of \$1,169.00 from Jorge Escamilla for the property located at 635 E. Tenth St. (Lot East ½ 9 & 10, Block 34, Coronado).

The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

RESOLUTION R-009-15 AUTHORIZING REPRESENTATIVES TO ACT ON THE CITY'S BEHALF IN MATTERS PERTAINING TO THE CITY'S BORGER YOUTH ADVISORY CHECKING ACCOUNT:

Director of Finance Scott Radach explained to the Council that it was necessary to make changes to the way the Borger Youth Advisory Council's checking account was set up. Following discussion motion was made by Council Member Gillingham, seconded by Council Member Dickson, to approve Resolution R-009-15, authorizing representatives to act on the City's behalf in matters pertaining to the City's Borger Youth Advisory Checking Account. The motion carried by the following vote:

Ayes: All members present voted aye.
Nays: None.

Resolution R-009-15 reads as follows:

RESOLUTION R-009-15

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BORGER,
TEXAS, AUTHORIZING REPRESENTATIVES TO ACT ON BEHALF
OF THE CITY IN ALL MATTERS PERTAINING TO THE CITY'S
PUBLIC FUNDS HELD IN THE BORGER YOUTH ADVISORY
ACCOUNT AND AUTHORIZING THE INCLUSION OF THE BORGER
YOUTH ADVISORY ACCOUNT WITH THE CITIES OTHER PUBLIC
FUNDS ACCOUNTS**

WHEREAS, the City Council of the City of Borger, Texas, hereby authorizes the hereinafter mentioned individuals to act on behalf of the City in matters pertaining to the City's public funds held in the Borger Youth Advisory Account.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BORGER, TEXAS:

Section 1

That, the findings set out in the preamble are in all things hereby approved.

Section 2

That, the individuals, whose signatures appear in this Resolution, are "authorized representatives" of the City and are each hereby authorized to hereinafter take actions deemed necessary and appropriate with the City's public funds held at Amarillo National Bank (Account #10014397) in the name of the Borger Youth Advisory Account.

The following listing of City staff is hereby approved as "authorized representatives" to open, close, deposit, withdraw, transfer, and perform any other legal or necessary action whether by paper or electronic methods for obligations of, or obligations guaranteed by governmental entities on the Borger Youth Advisory Account:

Eddie E. Edwards
City Manager
806-273-0954

Authorized Signature

Scott M. Radach
Director of Finance
806-273-0912

Authorized Signature

The following listing of City staff is hereby approved as "authorized representatives" with the limited ability to be signatories of written checks on the Borger Youth Advisory Account:

James W. Harder
Director of Utilities
806-273-0906

Authorized Signature

Stella Sauls
City Secretary
806-273-0902

Authorized Signature

Kenneth Petr
Director of Planning & Zoning
806-273-0910

Authorized Signature

The following listing of City staff is hereby approved as “authorized representatives” with the limited ability of electronic access to the Borger Youth Advisory Account for the purpose of uploading EFTs, drafts, direct deposits; and/or the transfer of funds between accounts:

Kristi Powell
Administrative Assistant
806-273-0921

Authorized Signature

Sheila McCarty
Accounts Payable Clerk
806-273-0920

Authorized Signature

Liesa Whiteley
Payroll Clerk
806-273-0914

Authorized Signature

Wanda King
Customer Service Supervisor
806-273-0915

Authorized Signature

Rhonda Miller
IT Specialist
806-273-0903

Authorized Signature

Section 3

That, from here on the Borger Youth Advisory Account (Amarillo National Bank Account #10014397) type be changed from a non-profit account and included as a public funds checking account of the City of Borger covered under the City’s Public Funds Investment Policy and subject to all future City Council authorized representative designations as required by the Public Funds Investment Act.

Section 4

That, an “authorized representative” may be deleted by a written instrument signed by two authorized representatives provided that the deleted “authorized representative” is assigned job duties that no longer require access to the City’s public funds, or is no longer employed by the City.

Section 5

That, this Resolution and its authorization shall be effective immediately upon its passage and shall continue in full force and effect until amended, revoked, or superseded by the City Council of the City of Borger, Texas; and until the participating institution receives a copy of any such amendment or revocation.

This Resolution supersedes all prior “authorized representative” designations on the Borger Youth Advisory Account.

PASSED, APPROVED, AND ADOPTED, on this the 7th day of July, 2015, at a regular meeting of the City Council of the City of Borger, Texas which meeting was held in compliance with the Open Meetings Act, Tex Gov't Code, §551.001, et.seq. at which meeting a quorum was present and voting.

TWO (2) OPERATION FACELIFT CONTRACTS APPROVED: Director of Planning and Zoning Kenneth Petr explained to the Council that Operation Facelift Contract have been signed on the following properties:

- a. Mr. Michael Higuera has paid \$200.00 down on an Operation Facelift Contract for the property located at 204 Union St. (Lot 3, Block 5, Keeler Heights Addition).
- b. Mr. Billy Clements has paid \$100.00 down on an Operation Facelift for the property located at 1316 Jim Hall St. (Lot 23, Block 7, North Hills Addition).

Following discussion motion was made by Council Member Felker, seconded by Council Member Gillingham, to approve the following:

- a. An Operation Facelift contract between Mr. Michael Higuera and the City of Borger for the removal of the structure(s) at 204 Union (Lot 3, Block 5, Keeler Heights Addition).
- b. An Operation Facelift contract between Mr. Billy Clements and the City of Borger for the removal of structure(s) at 1316 Jim Hall St. (Lot 23, Block 7, North Hills Addition).

The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

EXECUTIVE SESSION: Mayor Vinyard stated that in compliance with Chapter 551, Texas Govt. Code, (Open Meetings Law), the Council would retire into executive session relative to the Texas Govt. Code, Section 551.071(2) Consultations with Attorney.

- a. Discuss and/or seek advice from attorney on pending/contemplated litigation in regards to an ongoing EPA Investigation of official records at the Wastewater Treatment Plant.

COUNCIL RETURNED TO OPEN SESSION: Following the executive session Mayor Vinyard reconvened the regular meeting and announced the Council discussed items relative the Texas Govt. Code, Section 551.072(2) Consultation with Attorney:

- a. Discussed and/or sought advice from attorney on pending/contemplated litigation in regards to an ongoing EPA Investigation of official records at

the Wastewater Treatment Plant.

Following discussion, motion was made by Council Member Felker, seconded by Council Member Gillingham, to authorize Attorney Lee Ann Reno to execute a Joint Defense Agreement as discussed in Executive Session. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

MEETING ADJOURNED: There being no further business, motion was made by council Member Dickson, seconded by Council Member Gillingham to adjourn the meeting. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Mayor

ATTEST:

City Secretary